

Notice of Allowability

Application No.

10/028,411

Examiner

Craig H. Curtis

Applicant(s)

RYUTOV ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment A filed on 20 November 2003.
2. ☒ The allowed claim(s) is/are 1-3,5-27,29-44,46 and 47.
3. ☒ The drawings filed on 19 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

ALLOWABLE SUBJECT MATTER

Disposition of the Instant Application

- This Office action is responsive to Applicants' Amendment A filed on 20 November 2003.
- By this amendment, Applicants have canceled claims 4, 28, and 45, and have amended claims 1, 25, 38, and 41.
- Claims 1-3, 5-27, 29-44, 46, and 47 currently are pending in the instant application.

Allowed Claims

1. Claims 1-3, 5-27, 29-44, 46, and 47 are allowed.

Reasons for Allowance

The following is the Examiner's statement of reasons for allowance:

2. The claims are allowable over the prior art for at least the reason that the prior art fails to teach or to reasonably suggest, with regard to claims 1-3, 5-27, and 29-40, *a renewable mirror, comprising, inter alia, a penetrable unit, wherein said penetrable unit is a capillary substrate;* and with regard to claims 41-44, 46, and 47, *a method of providing a renewable mirror, comprising, inter alia, wherein said step of providing penetrable unit comprises providing a figured porous substrate,* as set forth in the claimed combination.

With regard the Hughes reference (US Pat. No. 4,190,327), the liquid mirror disclosed therein can, it is supposed, be universally oriented (like the renewable mirror of the instant

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invention); the penetrable unit (10) taught by Hughes (see Fig. 1), however, does not comprise a capillary substrate, and as such, the liquid mirror disclosed by Hughes could, if at all, only be universally oriented due to the presence of optical flat window (12) and multilayered dielectric 34, both of which serve to keep said liquid (mercury) confined within said penetrable unit. And while the prior art does teach mirrors whose reflective surfaces comprise liquids, no such mirrors comprise penetrable units having capillary substrates.

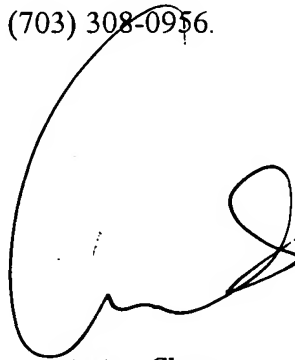
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Craig Curtis, whose telephone number is (571) 272-2311. The centralized facsimile phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature regarding the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0956.

CHC
Craig H. Curtis
Group Art Unit 2872
30 January 2003



Audrey Chang
Primary Examiner
Technology Center 2800